

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Kristen Miles Anderson,)	C/A No. 8:12-3203-TMC-KDW
)	
Plaintiff,)	
)	
v.)	
)	ORDER
The United States of America; Richard)	
Kerns, a/k/a Rick Kerns; Gregory Johnson,)	
Special Agent, U.S. Secret Service;)	
Thomas Griffin, Jr., Special Agent, U.S.)	
Secret Service; Mark J. Sullivan, Director,)	
U.S. Secret Service; Secretary Janet)	
Napolitano, Department of Homeland)	
Security; and others as yet unknown,)	
)	
<u>Defendants.</u>)	

On February 26, 2013, the court conducted a conference with counsel for all parties, in which scheduling-order deadlines were discussed. Although all parties sought a ruling on the pending Motion to Dismiss filed by the United States of America; Gregory Johnson, Special Agent, U.S. Secret Service; Thomas Griffin, Jr., Special Agent, U.S. Secret Service; Mark J. Sullivan, Director, U.S. Secret Service; and Secretary Janet Napolitano, Department of Homeland Security (“Moving Defendants”), ECF No. 24, Plaintiff sought to undertake discovery prior to responding to that Motion, while the Moving Defendants submitted Plaintiff did not need to undertake discovery prior to responding. Following the conference, the court issued a Text Order, instructing Plaintiff to respond to the Motion to Dismiss no later than March 18, 2013. ECF No. 30. The court informed the parties that it would then consider the Motion to Dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure only and would not consider materials outside the pleadings. *Id.* The court further advised that pending deadlines in the Scheduling Order, ECF No. 16—specifically including the

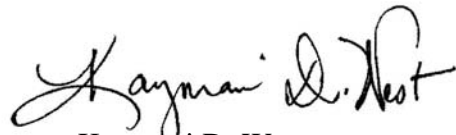
deadline for motions to amend and to join parties—were held in abeyance pending a ruling on the Motion to Dismiss. ECF No. 30.

Plaintiff did not respond to the pending Motion to Dismiss by the March 18, 2013 deadline. Rather, the parties filed an “Assented[-]to Motion to Amend Complaint, ECF No. 33, on March 13, 2013. ECF No. 33. Although Plaintiff filed the Motion to Amend, counsel for the Moving Defendants and for Defendant Rick Kerns joined in the Motion to Amend. Because the parties consented to the amendment, the court granted Plaintiff’s Motion to Amend and instructed Plaintiff to file her Amended Complaint by March 27, 2013. ECF No. 34. On March 24, 2013, Plaintiff filed her Amended Complaint, ECF No. 37.

The parties’ actions subsequent to the February 26, 2013 discovery conference and Order have not followed the court’s Order, ECF No. 30. **No later than April 2, 2013**, counsel for the Moving Defendants is to provide a written update to the court via ECF regarding the status of the pending Motion to Dismiss, ECF No. 24, in light of the agreed-to Amended Complaint.

IT IS SO ORDERED.

March 25, 2013
Florence, South Carolina



Kaymani D. West
United States Magistrate Judge